

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
IN THE MATTER OF THE *EX PARTE*
APPLICATION OF MARK McDONALD and : Misc. Case No.: 1:19-mc-00229
DAVID HOLUKOFF FOR AN ORDER TO TAKE
DISCOVERY PURSUANT TO 28 U.S.C. § 1782 :
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~~PROPOSED~~ **ORDER GRANTING *EX PARTE* SUPPLEMENTAL
APPLICATION FOR DISCOVERY PURSUANT TO 28 U.S.C. § 1782**

This matter comes before the Court upon an *ex parte* supplemental application for discovery pursuant to 28 U.S.C. § 1782 (“Supplemental Application”) filed by Mark McDonald and David Holukoff (collectively, “Applicants”). Having considered the Supplemental Application, Applicants’ Memorandum of Law, the Declaration of Lauren Valastro, the exhibits attached thereto, all previously submitted supporting materials at ECF Nos. 1-7 and 9, and all other relevant factors;

The Court **FINDS** that:

1. The statutory requirements of 28 U.S.C. § 1782 are satisfied.
2. Each of the discretionary factors set forth in *Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 241, 264-64 (2004), weigh in favor of granting discovery.
3. Production of the requested documents is warranted.

IT IS HEREBY ORDERED THAT:

1. The Application is GRANTED.
2. Applicants are hereby authorized to issue and serve a subpoena on The Clearing House Payments Company, LLC, a Delaware corporation with its principle place of business in New York at 1114 Avenue of the Americas, 17th Floor, New York, NY 10036-7772 (“CHIPS”)

for the production of the following documents for the period 2016 to present:

A. Copies of all orders, instructions, and records of wire transfers received from a payor/transferor bank by a payee/transferee bank, including intermediary and correspondent banks, for the benefit or credit of, or with any reference to, the following individuals and entities (collectively, "Discovery Subjects"):

- i. REDS Caribbean, Ltd.;
- ii. REDS Caribbean (BVI), Ltd.;
- iii. Reds Americas, Inc.;
- iv. Michael Robert Charbonne;
- v. Tricia Charbonne-Downes;
- vi. Randall Harford;
- vii. Dayne Harford;
- viii. Ryan Harford;
- ix. Daynco Ltd.
- x. Robert Holloway;
- xi. JUKES Group;
- xii. Raymond Mark McMillan;
- xiii. Global Insurance Services, Ltd.
- xiv. Goliath Offshore Services Ltd.
- xv. Goliath Offshore Holdings Pte Ltd
- xvi. Goliath Offshore Pte Ltd
- xvii. Avant Garde Insurance Services Ltd.
- xviii. Penelope Belmontes aka Penelope Rahim

xix. Lavelle Holdings, Inc.

xx. Sherron Harford

xxi. Hayden Borrell

B. Copies of records concerning accounts, loans, lines of credit or other funding arrangements in the name of, or held beneficially for, the Discovery Subjects, including copies of present and historical account balance information, and records of incoming and outgoing payments.

3. CHIPS shall produce the documents requested in their respective subpoenas within twenty-one (21) days of service of the subpoena and as required under the Federal Rules of Civil Procedure and the Local Rules of the United States District Court for the Southern District of New York.

4. Until further Order by this Court, CHIPS shall preserve documents and evidence, electronic or otherwise, in their possession, custody or control that contain information potentially relevant to the subject matter of Applicants' document request as listed in this Order.

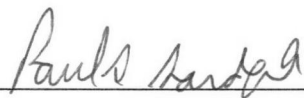
5. The Court shall retain jurisdiction over the matter for the purpose of enforcing this Order, as appropriate, and assessing any supplemental request for discovery assistance by Applicants.

6. A copy of this Order shall be served with each discovery demand.

SO ORDERED

Dated: New York, New York

Dec. 31, 2019



Honorable Paul G. Gardephe, USDJ